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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,887	08/31/2001	Donald J. Remboski	IA00009	4070

22863 7590 05/20/2003

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

SHAH, CHIRAG G

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,887

Applicant(s)

REMBOSKI ET AL.

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 and 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 and 12-14 rejected under 35 U.S.C. 102(e) as being anticipated by Razavi (WO 00/77620).

Referring to claims 1-5 and 12, Referring to claims 1-5, Razavi discloses in figure 2 of an active network system for communicating data between devices within the vehicle, a device (figure 2, item 24) disposed within the vehicle and having a vehicle related function, the device being coupled to the active network, and wherein the device includes a device network element forming a portion of the active network. The device network element may comprise a switch, router, or a bridge as illustrated in items 20, 24 and 26-29 in figure 2. The active network comprises a packet data network as disclosed on pages 12-13, where in-car subnetwork functions as a single IP device coupled to the LAN/MAN and can retrieve information about the city or otherwise interact with devices on the LAN/MAN (nodes on the LAN/MAN can exchange packets with devices within the in-car sub-network). Razavi also discloses in figure 2 and respective portions of the specification that the active network comprises a plurality of active

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network elements coupled by wireless media.

Referring to claims 6, 7, 13 and 14, Razavi discloses on page 12 and figure 2, in a vehicle comprising an active network for communications within the vehicle, the active network comprising a plurality of active network elements coupled by a communications media, a method of coupling a device network comprising: providing within the device an device network element (proxy server device) and coupled the device network element to the active network. Furthermore, page 12 illustrates the step of coupling the device network element to the active network comprises coupling the device network element to one of the active network elements of the plurality of active network elements by using a wireless modem.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-11 and 15-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Razavi in view of Virtual Router Redundancy Protocol (white paper).

Referring to claims 8-11 and 15-19, Razavi teaches in figure 2 and respective portions of the specification of an active network system for communicating data between devices. Razavi also teaches on page 12 that the device comprises a proxy server device as a second device network element wherein the device network element and the second device element are communicatively coupled. Razavi however, fails to teach of the vehicle, wherein the device

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network element is coupled to a first portion of the active network and the second device network element is coupled to a second portion of the active network. Razavi also fails to teach that the first functional element and a second functional element are coupled to the device network element (and are communicatively coupled). Razavi further fails to teach that the second functional element being coupled to the second device network element. White Paper teaches on pages 8 and 9 of how Proxy ARP works with VRRP, a passport routing switch running proxy ARP allows the hosts on different networks to communicate with each other. White Paper further teaches in figures 1, 3 and 4 that within a first and second functional elements such as servers are coupled to the device network element LAN (master and backup respectively). Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Razavi to include the teachings of White Paper in order to minimize service interruptions in reliable switching transitions and integration with respect to devices within and outside of the network.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

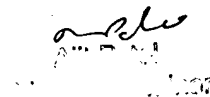
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 7:30 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 301-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs
May 7, 2003

A handwritten signature in cursive script is written over a rectangular stamp. The stamp contains some illegible text, possibly a date or a reference number.